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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,090	08/20/2003	Peter Friedrich	449122060500	4966

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EXAMINER

SALIARD, SHANNON S

ART UNIT	PAPER NUMBER
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3628

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/644,090

Applicant(s)

FRIEDRICH ET AL.

Examiner

Shannon S. Saliard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/12/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 1-7, 9, and 10** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per **claims 1 and 5**, the limitations “the conference” and “the conferees” as recited are vague and indefinite. There is insufficient antecedent basis for these limitations in the claim.

As per **claim 2**, the limitations “the conference” and “the conference data” as recited are vague and indefinite. There is insufficient antecedent basis for these limitations in the claim.

As per **claims 3, 4, 6, and 9**, the limitations “the conferees” as recited is vague and indefinite. There is insufficient antecedent basis for this limitation in the claim.

As per **claim 7**, the limitations “the availability” and “the information” as recited are vague and indefinite. There is insufficient antecedent basis for these limitations in the claim.

As per **claim 10**, the limitation “the booking” as recited is vague and indefinite. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-3 and 7** are rejected under 35 U.S.C. 102(e) as being anticipated by Balaz [US 6,427,008].

As per **claim 1**, Balaz discloses providing a conference management function to control the at least one conference function [col 3, lines 1-55; see Fig. 1]; and booking the conference by means of a call to a service number by a conferee [col 5, lines 11-19], such that with support of the conference management function, an automatic dialog between an announcement/dialog function and a caller develops to determine key data of a desired conference and of the conferees [col 6, lines 45-50; col 3, lines 55-67; col 5, lines 9-19], wherein a reservation of conference resources is supported by the conference management function in accordance with the key data [col 5, lines 20-30], such that timely initiation of the conference is ensured [col 5, lines 15-30].

As per **claim 2**, Balaz further discloses wherein activation of the conference is controlled by the conference management function such that participating conference systems are supplied with the conference data at a desired time [col 3, lines 16-54].

As per **claim 3**, Balaz further discloses wherein the dialog between announcement/dialog function and the conferees is DTMF-controlled [col 3, lines 46-50].

As per **claim 7**, Balaz further discloses wherein the conference management function knows the availability of conference function and announcement/dialog function on a network-wide scale, handles reservations and stores the information securely against loss [col 5, lines 5-30; col 3, lines 56-67].

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 4, 8, and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Balaz [US 6,427,008].

As per **claim 4**, Balaz does not explicitly disclose wherein the announcement/dialog function is provided with a keyword-controlled voice recognition function, such that the dialog between announcement/dialog function and the conferees is voice-controlled. However, Balaz discloses using interactive voice response (IVR) [col 6, lines 46-47]. Therefore, it would have been obvious to one of ordinary skill in the

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art at the time of the invention to modify the invention of Balaz to include wherein the announcement/dialog function is provided with a keyword-controlled voice recognition function, such that the dialog between announcement/dialog function and the conferees is voice-controlled so that users are connected to their desired service promptly and with a minimum of complexity.

As per **claim 8**, Balaz does not explicitly disclose wherein the conference management function, the announcement/dialog function and the conference function are implemented at least in duplicate on at least two different hardware platforms. However, Balaz discloses the claimed invention except for the announcement/dialog function and the conference function are implemented at least in duplicate on at least two different hardware platforms. It would have been obvious to one having ordinary skill in the art at the time the invention was made to duplicate the system on different platforms, since it has been held that mere duplication of the essential working parts of a device, without more, involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co*, 193 USQ 8 (CA 7); *In re Harza*, 124 USPQ 378 (CCPA 1960).

As per **claim 10**, Balaz discloses a device for reserving conferences, having at least one dialog function and at least one conference function which is executed on at least one conference system, comprising a control interface provided between the announcement/dialog function and a conference management function, via which interface the conference management function receives booking data to initiate and control at least one conference [col 3, lines 1-55; see Fig. 1; col 6, lines 45-50; col 3, lines 55-67; col 5, lines 9-19]. Balaz does not explicitly disclose the dialog function

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reaches agreement with an ordering party following verification of resources, and confirms the booking to the ordering party. However, Balaz discloses that in response to populating a conference setup record, the organizer is provided with a telephone number that may be used to establish the conference at the scheduled time [col 5, lines 15-19]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Balaz to include the dialog function reaches agreement with an ordering party following verification of resources, and confirms the booking to the ordering party so that the user can participate in the conference at the appropriate time.

7. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Balaz [US 6,427,008] in view of Jurkevics et al [US 5,978,463].

As per **claim 5**, Balaz further discloses wherein the key data of the conference is defined by number and start time [col 3, lines 60-64]. Balaz does not explicitly disclose wherein the key data is duration, and call numbers of the conferees and by features of the conference with regard to audio, video, or bandwidth. However, Balaz discloses conference set-up information including total expected participants and other information may be collected [col 3, lines 61-64]. Furthermore, Jurkevics et al discloses defining a conference call request using duration, call numbers, and conference features [abstract; col 5, lines 5-19]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Balaz to include wherein the key data is duration, and call numbers of the conferees and by

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features of the conference with regard to audio, video, or bandwidth so that the appropriate resources are reserved.

As per **claim 6**, Balaz does not disclose wherein the key data of the conferees is defined with regard to talk authorization. However, Jurkevics et al discloses wherein the key data of the conferees is defined with regard to talk authorization. [col 5, lines 28-31]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Balaz to include the method disclosed by Jurkevics et al so that the users can communicate effectively.

As per **claim 9**, Balaz does not disclose wherein the conference management function intervenes at any time in the control of a conference and activates the announcement/dialog function to provide information to and poll the conferees. However, Jurkevics et al discloses during a conference call an announcement can be made and users can be polled [col 5, lines 31-45]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Balaz to include the method disclosed by Jurkevics et al so that all users may know who is participating for later reference and to deal with service or quality issues.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shannon S. Saliard whose telephone number is 571-272-5587. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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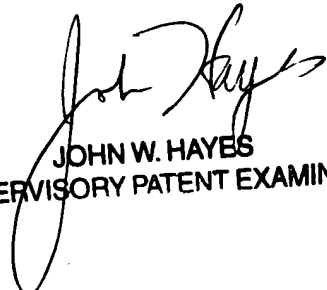
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JOHN W. HAYES
SUPERVISORY PATENT EXAMINER

Shannon S Saliard
Examiner
Art Unit 3628

sss